



# City of Marietta Meeting Agenda

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## CITY COUNCIL

*William B. Dunaway, Mayor*  
*Annette Paige Lewis, Ward 1*  
*Griffin "Grif" L. Chalfant, Jr., Ward 2*  
*Holly Marie Walquist, Ward 3*  
*Irvan A. "Van" Pearlberg, Ward 4*  
*Rev. Anthony C. Coleman, Ward 5*  
*James W. King, Ward 6*  
*Philip M. Goldstein, Ward 7*

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**Wednesday, December 10, 2008**

**7:00 PM**

**Council Chamber**

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### **CALL TO ORDER:**

### **INVOCATION:**

*Philip M. Goldstein, Ward 7*

### **PLEDGE OF ALLEGIANCE:**

### **PRESENTATIONS:**

**20081247 Swearing-in of new police officer**

Swearing in of Jason Sidler, police officer.

**20081501 2009 Youth of the Year Award**

Recognition of Raymone Posey of the Franklin Road Weed and Seed Boys and Girls Club as 2009 Youth of the Year award recipient.

**20081506 Distinguished Service Award - Benjamin Parker**

Presentation of a Distinguished Service Award to Benjamin Parker for his years of service and dedication to the City of Marietta.

### **PROCLAMATIONS:**

### **ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:**

### **CONSENT AGENDA:**

**Consent agenda items are marked by an asterisk (\*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).**

### **MINUTES:**

**\* 20081474 Regular Meeting - November 17, 2008**

Review and approval of the November 17, 2008 regular meeting minutes.

### **MAYOR'S APPOINTMENTS:**

### **CITY COUNCIL APPOINTMENTS:**

**ORDINANCES:****20081317 Z2008-16 Back to the Bible 601, 413, 421 and 417 Tower Road**

Z2008-16 [SLUP] BACK TO THE BIBLE request Special Land Use Permit (for place of worship with accessory school) for property located in Land Lot 1076, 16th District, Parcels 0720, 0700, 1170 and 0710, 2nd Section, Marietta, Cobb County, Georgia and being known as 601, 413, 421 and 417 Tower Road and being zoned R-3. Ward 4.

*Planning Commission recommended denial    Vote: 5 -1 - 0*

*Motion: Mr. Gillis made a motion to deny the request until such time as they come back with a more concrete proposal, seconded by Mr. Parker.*

*Public Hearing (all parties are sworn in )*

**\* 20081360 Code Enforcement - 180 Powers Ferry Road**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 180 Powers Ferry Road.

Listed Owner: Bradford Frank

Certified mail receipt received 10/27/08.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 180 Powers Ferry Road.

Listed Owner: Bradford Frank

Certified mail receipt received 10/27/08.

2nd Certified mail hand delivered 11/24/08; owner refused to sign.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

*Tabled from last month*

**\* 20081456 Code Enforcement - 341 Pin Oak Court**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 341 Pin Oak Court.

Listed Owner: Mark J. Moorhead

Certified mail receipt received 11/26/08; signature not legible.

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

**\* 20081457 Code Enforcement - 711 Springhollow Lane**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the

corporate limits of the City of Marietta, Georgia at 711 Springhollow Lane.

Listed Owner: I.J. Serrate

Certified mail receipt not received as of 12-01-08

Taxes paid: No; owes \$770.68 for past due taxes since 2001.

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

\*      **20081460      Code Enforcement - 451 Booth Circle**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 451 Booth Circle.

Listed Owner: Jeanette Neal

Certified mail receipt not received as of 12/01/08

Taxes paid: Yes

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

\*      **20081482      Code Enforcement - 95 Woods Drive**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 95 Woods Drive.

Listed Owner: Paul M. Menefee

Certified mail receipt not received as of 12/01/08.

Taxes paid: No, owed in the amount of \$117.81.

**PUBLIC HEARING REQUIRED**

Philip M. Goldstein abstaining

**RESOLUTIONS:**

**CITY ATTORNEY'S REPORT:**

\*      **20081370      Settlement Agreement with Cobb EMC**

Motion to approve a Settlement Agreement and Release of Claims per the attached documents.

\*      **20081371      Franchise Agreement with Cobb EMC**

Ordinance approving a Franchise Agreement between the City of Marietta and Cobb Electric Membership Corporation per the attached document.

*Council member Goldstein abstaining.*

**CITY MANAGER'S REPORT:**

**MAYOR'S REPORT:**

**COMMITTEE REPORTS:**

**1. Economic/Community Development: Grif Chalfant, Chairperson**

\*      **20081435      CDBG Action Plan Revision**

Approval of a Resolution amending the FFY' 2008 and FFY'2009 CDBG Program Action Plans with Cobb County to specifically include administrative

and technical support of the City's Housing Choice Voucher and Summer Food Service programs in the City's Planning And Administration CDBG Activity.

## **2. Finance/Investment: Annette Lewis, Chairperson**

**\* 20081415 2009 Mayors' Day Conference**

Motion to approve travel and training expenses for the Mayor and Council members who wish to attend the Georgia Municipal Association (GMA) Annual Mayors' Day Conference, January 24-26, 2009 in Atlanta, Georgia.

*Council member King opposed.*

**\* 20081479 National League of Cities (NLC)**

Motion to approve travel and training expenses for Mayor and Council members who wish to attend the National League of Cities (NLC) 2009 Annual Congressional City Conference in Washington, DC on March 14-18, 2009.

*Council members King and Pearlberg opposed.*

## **3. Judicial/Legislative: Philip M. Goldstein, Chairperson**

**\* 20081368 Council Calendar**

Approval of a Resolution for the establishment of dates, time and place of regular Council Meetings for 2009 in accordance with O.C.G.A. Section 50-14-1(2)(d) and the Marietta City Charter Section 2.9(a), does hereby designate the following dates, time and place of the Regular City Council meeting for the calendar year 2009 on the 2nd Wednesday of each month at 7:00 p.m. with the exception of the following:  
Wednesday, April 15, 2009  
Monday, November 9, 2009

**\* 20081425 Change in Hotel Occupancy Tax Ordinance**

Ordinance Amending Section 8-32-040 of City Code to clarify period of taxable occupancy.

**\* 20081433 Municipal Court Bond Schedule**

Ordinance approving the new order of Bond Schedule and Posting of Appearance Bonds in Municipal Court.

*Councilman Pearlberg opposed.*

**20080725 Ethics Committee Recommendation**

Approval of an Ordinance amending Code Section 1-14-4-180 , Section 1, Advisory Opinions.

## **4. Parks, Recreation and Tourism: Holly Walquist, Chairperson**

**\* 20081442 Bond Fund Budget Amendment**

An Ordinance approving an amendment to the Fiscal Year 2009 budget to appropriate the remaining 1996 parks bond funds for professional fees associated with park improvement projects.

\*      **20081452      175th Celebration**

Motion to appoint Kim Gresh and Earl Reece as Co-Chairs and Terri Bunton as an alternate for the 175th Celebration Steering Committee.

**5. Personnel/Insurance: Van Pearlberg, Chairperson**

\*      **20081455      City/BLW Pension Plan**

Ordinance modifying the City/BLW Pension Plan to allow revisions to the vesting period for all new employees effective January 1, 2009.

**6. Public Safety Committee: Anthony Coleman, Chairperson**

\*      **20081432      Standard Operating Procedures of the Marietta Police Department**

Motion to approve revisions to the following Standard Operating Procedures for the Marietta Police Department: A016 Code of Ethics, A020 Deadly & Non-Deadly Force, A021 Asp Baton, A034 Budget and Fiscal Management, A036 Ride Along Program, A041 Organizational Structure, A046 GCIC NCIC & Departmental Computer Systems, A052 Detention & Housing of Detainees, A073 Building Security, E035 Critical Response Team, P010 Patrol Operations, P015 Video & Audio Recording Equipment, P020 Missing Children, P025 Mentally Ill Persons, P044 Police Vehicles, P046 Legal Process, P049 Traffic Enforcement, P050 Master Patrol Officer Program, S031 Habitual/Serious Offenders, and S045 Crime Interdiction Unit.

\*      **20081467      Standard Operating Procedures of the Marietta Police Department**

Motion to approve revisions to the following Standard Operating Procedures of the Marietta Police Department: A060 Evidence & Property Maintenance.  
*Councilman Pearlberg and Councilman Goldstein opposed.*

**7. Public Works Committee: Jim King, Chairperson**

\*      **20081447      Diplomat Hotel Group**

Approval of a Resolution endorsing the application by Diplomat Development Company, LLC, to the Georgia Department of Transportation for a right-in, right-out turn access from the northern side of Delk Road to the 2265 Kingston Court property as per drawings which includes the dedication of a public road at the right in off of Delk Road and an emergency lane extension on Delk; and for other purposes.

\*      **20081300      2009 Sidewalks Project**

Motion to approve the FY2009 sidewalk project list using 2005 SPLOST funds.

**SCHEDULED APPEARANCES:**

**UNSCHEDULED APPEARANCES:**

**OTHER BUSINESS:**

- \*      **20081502      2008 MRC Work Plan**
- Motion to extend the 2008 Work Plan for the Marietta Redevelopment Corporation through and including January 15, 2009.  
*as requested by Councilmember Holly Walquist*  
*Council members Goldstein and Lewis opposed.*
- \*      **20081499      Georgia Municipal Association Revenue Recovery program.**
- Motion to approve Collection Agency Contract with Penn Credit Corporation subject to the final approval of the City Manager and City Attorney provided that the city shall not turn over any ad valorem property taxes to the agency for collection pursuant to said contract.
- \*      **20081503      Municipal Competitive Trust**
- Motion to select the City Manager and the BLW General Manager as the officials authorized to communicate the decisions of the City of Marietta to MEAG with regard to deposits or withdrawals of any city subaccounts established by the Municipal Competitive Trust.
- \*      **20081395      Resolution of the Municipal Competitive Trust**
- Approval of a Resolution to execute the election for participant directed voluntary deposits into the Municipal Competitive Trust for the Year 2009.
- \*      **20081505      Off-System Energy Sales Margins for Power Supply Year 2009**
- Motion to execute the Election for Off-System Energy Sales Margins for the Power Supply Year 2009, applying these moneys as credits to our monthly Municipal Electric Authority of Georgia (MEAG) bill, as we have in the past.
- 20081507      251 Roswell Street**
- Motion to authorize the acquisition of property owned by Spinks Enterprises, LLLP on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.
- 20081512      932 Roswell Street**
- Motion to authorize the acquisition of property owned by W.A. Spinks on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

**20081508      344 S. Fairground Street**

Motion authorizing partial acquisition of property owned by A&B Partners, located at 344 South Fairground Street, in exchange for \$20,860 for the Roswell Street Streetscape project.

**20081509      219 Roswell Street**

Motion to accept donation of a portion of property from City Partners, LLP, located at 219 Roswell Street for the Roswell Street Streetscapes project.

**20081511      456 Roswell Street (Emerson Coffee Shop)**

Motion to accept partial acquisition of property from Emerson Overlook, LLC, for property located at 456 Roswell Street for \$300,000.

**\*      20081473      BLW Actions of December 8, 2008**

Review and approval of the December 8, 2008 actions and minutes of the Marietta Board of Lights and Water Works (BLW).

**ADJOURNMENT:**